THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 26396 of 2005

DATED: 09.12.2005

Between:

Polipaka Yadagiri.

… PETITIONER

AND

Superintendent, CKM, Govt. Maternity Hospital, Matawada,

Warangal and others.

… RESPONDENTS

ORDER:

The petitioner was allotted a site in CKM Government Maternity Hospital, Matawada, Warangal in the year 1998. On the basis of the permission so accorded, he constructed a medical shop and has been running the same ever since then. The petitioner was required to pay the rent at the rate of Rs.500/- per month with effect from 01.04.2001 vide proceedings, dated 02.05.2001. Subsequently, the rent was enhanced to Rs.5,000/- per month with effect from October 2001. The petitioner was issued a notice on 13.06.2005 for payment of the arrears of about Rs.1,40,000/- He has not yet paid that amount. In the meanwhile, the respondents are taking steps to remove the shop of the

petitioner with an object of inviting tenders for establishing the same. The petitioner challenges the action of the respondents in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical Health & Family Welfare.

The respondents have taken a policy decision to permit the establishment of Medical Shops in the Government Hospitals by inviting tenders. The petitioner was allotted the site way back in the year 1998, at a time when this policy was not in vogue. Now that the respondents have decided to permit the establishment of the Medical Shop in the 1st respondent-hospital also, through the process of auction, no exception can be taken to their proposed steps. The petitioner is under obligation to remove the existing shop, so that the successful bidder would be in a position to establish the shop, as per specifications. So far as the claim of the petitioner as regards the arrears is concerned, it shall be open to the respondents to take such steps, as are open to them in law.

Accordingly, the Writ Petition is disposed of, granting ten (10) days time from today to the petitioner to remove the existing shop, without prejudice to the rights of the respondents to recover the arrears from the petitioner. There shall be no order as to costs.

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09.12.2005

Jsu